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9 California corporation

10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 TARGETSAFETY.COM, INC., a California
13 corporation

14 Plaintiff,

15 v.

16 CONTINUING EDUCATION COORDINATING
17 BOARD FOR EMERGENCY MEDICAL
18 SERVICES, INC., a Missouri non-profit corporation
19 and DOES 1-10

20 Defendants.

Case No.: 08-CV-0994-JLS-JMA

THIRD JOINT MOTION AND
STIPULATION REGARDING
TARGETSAFETY'S MOTION FOR
PRELIMINARY INJUNCTION AND
APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND
[PROPOSED] ORDER THEREON

21 The parties to this Third Joint Motion and Stipulation are Plaintiff
22 TARGETSAFETY.COM, INC. ("TargetSafety") and Defendant CONTINUING EDUCATION
23 COORDINATING BOARD FOR EMERGENCY MEDICAL SERVICES ("CECBEMS").

24 TargetSafety is represented by Frank L. Tobin of Procopio, Cory, Hargreaves & Savitch
25 LLP.

26 CECBEMS is represented by Bradley M. Pinsky of Scicchitano & Pinsky, PLLC.

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RECITALS

A. On or about June 4, 2008, TargetSafety filed a Complaint against CECBEMS in the United States District Court, Southern District of California, Case No. 08-CV-0994-JLS-JMA, for declaratory relief, breach of contract, specific performance and injunction.

B. Also on or about June 4, 2008, TargetSafety filed a Motion for Preliminary Injunction and an Application for Temporary Restraining Order in the above-referenced Court to maintain the status quo and enjoin CECBEMS from revoking accreditation of TargetSafety's courses until this matter is adjudicated.

C. TargetSafety requested from the Court a Temporary Restraining Order and Order to Show Cause regarding Preliminary Injunction.

D. TargetSafety seeks to preserve the status quo and enjoin CECBEMS from revoking its accreditation of TargetSafety's courses until TargetSafety's Complaint in the above-referenced matter is adjudicated.

E. CECBEMS has not filed a responsive pleading to TargetSafety's Complaint and has not filed an Opposition to TargetSafety's Motion for Preliminary Injunction and Application for Temporary Restraining Order.

F. On or about June 11, 2008 TargetSafety and CECBEMS entered and filed a First Joint Motion and Stipulation whereby CECBEMS agreed to (1) recognize TargetSafety's Motion for Preliminary Injunction and Application for Temporary Restraining Order as a Motion for Preliminary Injunction (the "Motion for Preliminary Injunction"), and (2) maintain the status quo and not revoke the accreditation of TargetSafety's courses while the Motion for Preliminary Injunction is pending. The parties further agreed CECBEMS would have until June 20, 2008 to respond to the Motion for Preliminary Injunction and that TargetSafety would have five (5) court days following service of CECBEMS' response to the Motion for Preliminary Injunction to file a Reply Memorandum of Points and Authorities pursuant to the Local Rules for the Southern District of California, Rule 7.1(e)(3).

G. On or about June 19, 2008, TargetSafety and CECBEMS entered and filed a

1 Second Joint Motion and Stipulation that recited and incorporated the terms of the parties First
2 Joint Motion and Stipulation and further agreed that CECBEMS would have until June 27, 2008
3 to respond to TargetSafety's Motion for Preliminary Injunction and that Target Safety would
4 have five (5) court days following service of CECBEMS' response to the Motion to file a Reply
5 Memorandum of Points and Authorities pursuant to the Local Rules for the Southern District of
6 California, Rule 7.1(e)(3).

7 H. On or about June 13, 2008, Hon. Janis L. Sammartino, United States District
8 Court Judge, issued an Order granting the parties' First Joint Motion and Stipulation. On or
9 about June 20, 2008, Hon. Janis L. Sammartino issued an Order granting the parties' Second
10 Joint Motion and Stipulation.

11 I. Counsel for the parties have engaged in discussions in an attempt to resolve this
12 matter. In order to facilitate further discussions, CECBEMS and TargetSafety propose the
13 following Stipulation.

14 **TERMS OF STIPULATION**

15 1. The terms of the Stipulation incorporate the above Recitals as though set forth in
16 full herein.

17 2. TargetSafety agrees that CECBEMS will have until July 18, 2008 to respond to
18 the Motion.

19 3. CECBEMS agrees that TargetSafety will have five (5) court days following
20 service of CECBEMS' response to the Motion to file a Reply Memorandum of Points and
21 Authorities pursuant to the Local Rules for the Southern District of California, Rule 7.1(e)(3).

22 4. CECBEMS further agrees that it shall not revoke the accreditation of
23 TargetSafety's courses while the Motion for Preliminary Injunction is pending.

1 **SO STIPULATED AND AGREED.**

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3 DATED: June 26, 2008

PROCOPIO, CORY, HARGREAVES &
SAVITCH LLP

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6 By: /s/ Frank L. Tobin

Frank L. Tobin
Attorneys for Plaintiff
TARGETSAFETY.COM, INC., a California
corporation

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9 DATED: June 26, 2008

SCICCHITANO & PINSKY, PLLC

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11 By: /s/ Bradley M. Pinsky

Bradley M. Pinsky
Attorneys for Defendant
CECBEMS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

TARGETSAFETY.COM, INC., a California
corporation

Plaintiff,

v.

CONTINUING EDUCATION COORDINATING
BOARD FOR EMERGENCY MEDICAL
SERVICES, INC., a Missouri non-profit corporation
and DOES 1-10

Defendants.

Case No.: 08-CV-0994-JLS-JMA

[PROPOSED] ORDER: GRANTING
PARTIES THIRD JOINT MOTION AND
STIPULATION REGARDING
TARGETSAFETY'S MOTION FOR
PRELIMINARY INJUNCTION

Pursuant to the parties' "third joint motion and stipulation," CECBEMS shall have until July 18, 2008 to respond to TargetSafety's Motion for Preliminary Injunction. TargetSafety will have five (5) court days following service of CECBEMS' response to file a reply. CECBEMS shall not revoke the accreditation of TargetSafety's courses while the Motion for Preliminary Injunction is pending.

IT IS SO ORDERED.

DATED: _____

HONORABLE JANIS L. SAMMARTINO
U.S. DISTRICT JUDGE